

REMARKS

Applicants have carefully considered the October 24, 2005 Office Action regarding the above-identified application. The amendments to the claims amendments and the remarks that follow are presented in a bona fide effort to respond thereto and address all issues raised in that Action and in the telephone interview conducted on December 20, 2005. Prompt favorable reconsideration of this amended application is requested.

The Interview and Posture of the Latest Amended Claims in view of the Interview

Applicants' representative would like to express his appreciation to Examiner Poltorak for the courtesy extended during the telephone interview conducted on December 20, 2005. Prior to the interview, a proposed amendment addressing method claims 17-21 was submitted and patentability of that proposed version of the method claims (particularly 17, 19 and 21) was discussed at some length. Applicants' position on patentability, as discussed at the interview, was substantially similar to that set forth in the remarks accompanying the proposed claim amendment. Several of the applied documents, such as Huang and Moshfeghi, were briefly mentioned. Although the Examiner did not rely on specific references, he repeatedly questioned whether or not general teachings of web site access, management access and/or addressing functions would meet or render obvious proposed claim language that he felt was still somewhat broad. No agreement was reached as to the patentability of any claim.

However, the Examiner did indicate that he was unlikely to permit entry of amendments like those proposed to claim 17 after final rejection. Hence, Applicants are filing a request for continued examination (RCE) with this response, to obtain entry and full consideration of amended claims.

Application No.: 10/021,550

Of note, the claim amendments presented above include additional specific recitations, added to the recitations discussed relative to claim 17 in the interview, to avoid some of the Examiner's concerns about language that might otherwise have still been too broad to patentably distinguish over generally known art practices. Using claim 17 as discussed at the interview as an example, "a temporary interface object" has been changed to "temporary software interface object," and "a storage configuration information file of the storage management system" to "a storage configuration information file containing configuration settings of the storage management system." Further, the "creating" paragraph has been revised to include a recitation to the effect that "wherein the authenticated manager's access to the settings in the storage configuration information file is permitted only while the temporary software interface object exists." Also, the last paragraph of claim 17 has been revised to provide a specific recitation of termination of the manager's access, in the form of a recitation of "erasing the temporary software interface object after a lapse of a predetermined permission time, so as to expire the authenticated manager's ability to access the settings in the storage configuration information file." Patentability of the latest versions of the claims is discussed in detail below.

Formal Issues

Both of the Office Actions in this application have applied U.S. Patent No. 6,192,361 to Huang, but that patent was not listed on any of the citation forms (PTO-892 or PTO-1449) accompanying either Office Action. It is requested that the Examiner list Huang on a PTO-892 citation form and enter that form in the record with the next Official communication regarding this application.

Applicants' August 1, 2005 response included replacement drawing sheets for the original drawings sheets which contained Figs. 3-5. Essentially, the flow charts on those sheets

Application No.: 10/021,550

were changed to replace certification related terminology with authentication related terms, in response to an objection in the first Office Action. Since the October 24, 2005 Office Action did not repeat the objection, presumably the amendments to the drawings, specification and abstract were effective. However, the October 24, 2005 Office Action did not specifically address the drawing changes. It is respectfully requested that the Examiner consider and approve the replacement sheets for the original drawings sheets which contained Figs. 3-5 submitted as part of the August 1, 2005 response and indicate approval thereof in the next Official communication regarding this application.

112 First Paragraph Rejection

The Action set forth a rejection of claims 6 and 7 under the first paragraph of 35 U.S.C. §112 on the ground that the “permission time for a manager” language added to claim 6 in the August 1, 2005 response lacked descriptive support in the original written description. The phrase “each having permission time for a manager” added in the previous amendment has been deleted from claim 6 by amendment above. The amendment to claim 6 should obviate the basis for this rejection.

Summary of Art Rejections

The latest Office Action rejected claims 1, 2, 6, 8-10, 14 and 16-18 under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 6,476,833 to Moshfeghi in combination with newly cited U.S. Patent No. 6,353,886 to Howard et al. (hereinafter Howard) and a newly cited Minasi literature document. Claims 3, 4, 11, 12, 19 and 20 stand rejected as unpatentable over the combination of Moshfeghi, Howard and Minasi, further in view of the previously cited Stein document. Claims 5 and 13 stand rejected as unpatentable over the combination of Moshfeghi, Howard and Minasi, further in combination with the previously cited U.S. 2002/0198829

publication to Ludwig et al. (hereinafter Ludwig). Claims 7 and 15 stand rejected as unpatentable over the combination of Moshfeghi, Howard and Minasi, further in combination with the previously cited 6,029,160 Cabrera et al. patent (hereinafter Cabrera)

After the first series of rejections outlined above, the Office Action also set forth a second series of art rejections, similar to those outlined above but substituting U.S. Patent No. 6,212,564 to Harter et al. (hereinafter Harter) for the principle reference by Moshfeghi. Then, the Action set forth yet a further series of rejections based on a third principle reference, U.S. Patent No. 6,192,361 to Huang.

It is respectfully submitted that none of these combinations would actually meet the recited requirements of the claims as newly amended above. A detailed explanation of the patentability of the amended claims follows.

Patentability of Amended Claims

The subject matter disclosed in the present application focuses on management level access, to a system for management of disk drives or other storage means. The base references in all of the combinations proposed in the art rejections (Moshfeghi, Harter and Huang) focus much more on user access instead of manager access. Huang is actually directed to controlling access to a switching system, not a storage management system.

As amended above, each independent claim now recites management access to a storage configuration information file containing settings of the system, which is provided to the manager, and which is distinct from the access to a data file a data file in storage controlled by the so-called “storage management system” that the system might make available for a user. Although the wording and scope varies somewhat between system, program and method claims, each independent claim recites that the interface object created for the manager is one “for

accessing a storage configuration information file.” In each independent claim, this file is one that contains “settings of the storage management system” (see e.g. application page 6, lines 23-28; and application page 7, lines 1-10). Each of the amended independent claims separately recites that the storage management system manages “a data file in storage to be accessed by a user” (see e.g. application page 6, lines 3-9). Stated another way, although the storage management system manages a data file in storage that may be accessed by a user, the access that the claimed system, program or method actually provides to the manager is specifically access to a storage configuration information file containing settings of the storage management system. The rejections do not identify, and it is not readily apparent, where any of the Moshfeghi, Harter and Huang documents relate to a methodology that provides to the manager an access that is to a storage configuration information file containing settings of the storage management system. It is respectfully submitted that none of the modifications proposed in the many art rejections would offer a system manager such access to a storage configuration information file containing settings of the storage management system.

As amended above, each independent claim also refers to “a temporary software interface object.” Each independent claim requires creation of this piece of software upon successful authentication of the manager. The authenticated manager’s access to the settings contained in the storage configuration information file is permitted only while the temporary software interface object exists. As recited in the claims, the software object is temporary in that it begins existence when created and it is erased after lapse of a predetermined permission time. The erasure of this software serves to expire access by the authenticated manager. In the example disclosed in the specification, the interface object software is a remote management interface

(RMI) object 107 created by the remote invocation interface 108 (see e.g. page 7, lines 4-21). The object 107 is dynamically generated and expired or erased (see e.g. page 6, lines 15-22).

The base references (Moshfeghi, Harter and Huang) permit access upon successful user authentication, and the various rejections cite Howard and Minsai for teachings to generally limit access permission time. However, this is not enough to meet the claim requirements. It is not seen where any of those documents disclose creating and erasing software for an interface object of the type recited in the amended independent claims. The rejections seem to be founded on an interpretation of general statements regarding granting access and/or limited permission times as sufficient in the cited documents to meet requirements for generating interfaces, as recited in the earlier versions of the claims. The teachings that the rejections identify in secondary document citations, particularly those of Howard and Minsai regarding limited permission times, do not address the deficiency of Moshfeghi, Harter or Huang with regard to creating and erasing a temporary interface object, as claimed. It is respectfully submitted that the applied combinations of documents do not specifically teach creating and erasing a temporary software interface object per se, let alone such object software that provides a manager access to system settings in a storage configuration information file of a storage management system.

RMI type object oriented software is known and is cited in one or more of the applied documents. Moshfeghi, for example, describes an implementation of that patent's browser access using RMI technology in column 5, lines 19-32. However, it is not seen where any of the applied documents, including the document or documents that may mention RMI type object oriented software, would suggest creating and erasing software for an interface object, in the manner recited in the claims, so as to provide and expire a manager's access to a storage configuration information file containing settings of a storage management type system.

Further, the amendments to the claims move the “key” communication requirement up to the independent claims, albeit in a somewhat different scope than previously appeared in dependent claims 3, 11 and 19. As disclosed in the present application, for example, the management object 105 transmits a key 107a to the program 102 running in the manager’s browser. The program 102 obtains an address from the key and uses the address to access the interface object 107. As amended above, each independent claim recites transmitting a key needed for communication through the network with the interface object to the authenticated manager to enable management access to the storage configuration information file. As now recited in dependent claims 3, 11 and 19, the key represents an address of the temporary software interface object.

Previously, claims reciting a key were rejected over three different combinations, each requiring four references to allegedly meet all of the claim requirements. To reject the independent claims, as was done with respect to previous claims 3, 11 and 19, the Examiner apparently would apply three different combinations each requiring at least four references (Moshfeghi, Howard, Minasi and Stein; or Harter, Howard, Minasi and Stein; or Huang, Howard, Minasi and Stein). It is respectfully submitted that none of these three possible combinations actually teaches providing a manager with an access that is to a storage configuration information file containing settings of the storage management system or the creation and attendant erasure of a temporary software interface object as now claimed. It is further submitted that the piecemeal combination of elements from four different references in each of the alternative rejections is an improper hindsight reconstruction, because there is no suggestion or teaching to combine bits and pieces from four different sources each time to produce the system, program or method that the rejection alleges meets the claim language. The

only overall reason for any of these strained combinations is a vain attempt to meet the claim language. Hence, each rejection is improper and should be withdrawn.

It is respectfully submitted that, for reasons stated above, none of the applied combinations renders any of the pending claims unpatentable over the art. Hence, all of the art rejections from the October 24, 2005 Office Action should be withdrawn.

Conclusions

Upon entry of the above claim amendments, claims 1-19 and 20 are active in this application, all of which should be patentable over the art applied in the October 24, 2005 Office Action. It is submitted that all of the claims are in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicants respectfully request a prompt favorable reconsideration of this matter.

It is believed that this response addresses all issues raised in the latest Office Action. However, if any further issue should arise that may be addressed in a further interview or an Examiner's amendment, it is requested that the Examiner telephone Applicants' representative at the number shown below.

Application No.: 10/021,550

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Keith E. George
Registration No. 34,111

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8603 KEG:apr
Facsimile: 202.756.8087
Date: December 23, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**